

contents of the cartridge were injected into the tissues. A portion of the article was alleged to be further misbranded in that it failed to bear a label containing an accurate statement of the quantity of the contents of the package. The label of this portion bore no statement of the quantity of the contents of each cartridge.

Between May 29 and July 26, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

1256. Misbranding of sulfathiazole tablets. U. S. v. Samuel S. Punskey (Franklin Pharmacy). Plea of nolo contendere. Fine, \$1,000. Execution of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 10605. Sample Nos. 20577-F, 20698-F, 20701-F.)

On December 15, 1943, the grand jurors for the District of Maine returned an indictment against Samuel S. Punskey, trading as the Franklin Pharmacy, Portland, Maine, alleging that a number of bottles of sulfathiazole tablets had been shipped from the State of New York into the State of Maine on or about November 13, 1942. It was charged in the indictment that on or about December 24, 1942, one bottle of the article, which was in the same condition as when shipped in interstate commerce, was sold and delivered to the defendant; that on or about August 24, 25, and 26, 1943, and while a number of tablets of the article contained in the aforesaid bottle were being held for sale after shipment in interstate commerce, the defendant removed a number of tablets from the bottle, repacked them in unlabeled boxes, and disposed of the boxes of tablets by sale; and that those acts of removal, repacking, and disposal resulted in the tablets being misbranded since the boxes containing them bore no directions for use.

On December 28, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$1,000 which was suspended, and placed the defendant on probation for 1 year.

1257. Adulteration of Stero-Uteroids and misbranding of Natur-Pep. U. S. v. Lloyd M. Curts and Charles D. Folse (Curts-Folse Laboratories). Pleas of guilty. Fine, \$200. (F. D. C. No. 8831. Sample Nos. 2642-F, 3045-F, 3548-F, 3549-F.)

On July 14, 1943, the United States attorney for the District of Kansas filed an information against Lloyd M. Curts and Charles D. Folse, copartners trading as the Curts-Folse Laboratories, Kansas City, Kans., alleging shipment of a quantity of the above-named products from the State of Kansas into the State of Missouri from on or about March 27 to November 16, 1942.

The article known as Stero-Uteroids was alleged to be adulterated in that its purity fell below that which it purported or was represented to possess since, by reason of its name, it purported and was represented to be a sterile product, whereas it was not a sterile product, but was contaminated with viable pathogenic micro-organisms, *Clostridium tetani*.

Analysis of the Natur-Pep disclosed that the article consisted essentially of Epsom salt (30.9 percent), water, and small amounts of iron phosphate, sodium and potassium compound, methenamine, a salicylate, and extracts of plant drugs including a laxative plant drug. The article was alleged to be misbranded (1) because of false and misleading statements in its labeling which represented and suggested that it was not habit forming; that it possessed tonic properties which would increase pep; that it would restore health, cleanse and stimulate the lining of the stomach and cause the gastric juices to flow freely, increase the flow of bile, bring back the vigorous feeling so essential to happiness, flush out the excess poisons that accumulate in the tiny tubes of the kidneys, and give complete relief from bladder irritation, weakness, "night rising," and other miseries such as dizziness, spots before the eyes, loss of pep, puffiness under the eyes, and stiffness in the back and lower limbs; that it was an hematinic tonic for the blood; that it would restore deficient red blood cells, cure constipation, regulate the bowels, and strengthen or tone soft, weak, and flabby intestinal muscles; and that it would be efficacious in the treatment of nervous, weak, and rundown conditions, poor appetite, swollen limbs, and stiff joints; (2) the statement on its label, "Natur-Pep Tonic Is Prepared From Ingredients of Recognized Medicinal value: Extract Cascara Sagrada Iron Pyrophosphate Strontium Salicylate Oleum Coriandar Methyl Salicylate Extract Gentian Alcohol 1/2% Hexamethylenamine Extract Glycyrrhiza Magnesium Sulphate Potassium Acetate Sodium Salicylate Oleum Anise Glycerine," was misleading since it suggested and created the impression that the article contained therapeutically significant quantities of each and every one of the ingredients named, whereas the article

contained therapeutically unimportant quantities, if any, of the ingredients named in the statement, with the exception of magnesium sulfate (Epsom salt); (3) its labeling failed to bear adequate directions for use since the directions suggested continuous administration of the article, whereas the article was a laxative and should not be administered continuously; and (4) its labeling failed to warn that the article should not be taken when nausea, vomiting, abdominal pain, or other symptoms of appendicitis are present, or that frequent or continued use of the article might result in dependence upon a laxative to move the bowels.

On April 3, 1944, the defendants having entered pleas of guilty, the court imposed a fine of \$100 on each of 2 counts, a total fine of \$200.

1258. Misbranding of Perry's Famous Peptone Pills and of another drug known as Natura, Nu-Vita, or Vita. U. S. v. Victor Edison Perry (V. E. Perry). Plea of guilty. Sentence of 3 months' imprisonment suspended, and defendant placed on probation for 1 year. (F. D. C. No. 11387. Sample Nos. 22653-F, 22779-F, 22863-F, 23606-F, 46323-F, 58424-F.)

On May 31, 1944, the United States attorney for the Eastern District of Pennsylvania filed an information against Victor Edison Perry, trading as V. E. Perry, Philadelphia, Pa., alleging that the defendant shipped and caused to be shipped quantities of the above-named drugs between the approximate dates of March 23 and November 9, 1943, from the State of Pennsylvania into the States of New Jersey, Delaware, Maryland, and Virginia, and from the State of New York into the State of Pennsylvania.

Analysis disclosed that the Peptone Pills consisted essentially of damiana, nuxvomica, zinc phosphide, calcium carbonate, starch, sugar, and coloring; and that the other product known as Natura, Nu-Vita, and Vita consisted essentially of Epsom salt, sulfur, sodium bicarbonate, and plant material including senna and cascara sagrada.

The article Peptone Pills was alleged to be misbranded (1) in that its name was misleading since it represented and implied that the article would be efficacious to restore and maintain pep and tone in the user, whereas it would not be efficacious for such purposes; (2) because of false and misleading statements and a design consisting of a picture of a bald-headed old man dancing with a young woman, which represented and suggested that the article would be efficacious to restore and maintain pep and tone in man, correct or cure weak nature and low courage, build up men 100 percent, and restore youthful vigor in old men; and that it would be efficacious in the treatment of worn-out, rundown, slow, sluggish, or low manhood, or weak vitality; and (3) in that it contained strychnine, and its label did not bear a statement of the quantity or proportion of strychnine contained therein.

The article Peptone Pills was alleged to be misbranded further because of false and misleading statements and designs in circulars entitled "Nature Means in Mexico New Life," "Are You Dizzy," and "Natura Will Help You Face the Bitter Winter With 100% Health," which accompanied the article, and which represented and suggested that another drug, "Natura," consisted solely of Mexican herbs and possessed the rejuvenating and health-giving properties implied in the expression "New Life"; and that it would be efficacious in the cure, mitigation, treatment, or prevention of high blood pressure, low blood pressure, sore back, rheumatism, backache, getting up nights, constipation, uric acid poisons, impure blood, headache, rough skin, pimples on the face, swollen tonsils, swollen and stiff joints, and catarrh; that Natura was a world-famous tonic, a wonder herb tonic, and the world's greatest spring tonic; that all sickness is caused by excess uric acid poisons; that Natura would maintain and restore perfect health and pep, would be of special value to persons over the age of thirty, would insure pure red blood, and would help the user to face the cold and hardships of winter with 100 percent health; and that it would be efficacious to reduce ugly fat and make the body beautiful, help clean the blood, and help destroy such symptoms of high and low blood pressure as dizzy, swimming head, nervous, short naps, tiredness, and sleeplessness.

The article bearing the names "Nu-Vita New Life [or "Vita"] Wonder Mexico-America Herb Powder," and "Natura New Life Wonder Mexico-America Herb Powder," was alleged to be misbranded (1) in that the names were false and misleading since they represented and implied that the article consisted solely of herbs; and that it possessed the rejuvenating and health-giving properties implied in the names, whereas it consisted in part of the mineral substances, Epsom salt, sulfur, and sodium bicarbonate, and did not possess the rejuvenating and health-giving properties implied in the names; (2) because of false and misleading statements and a design of an Indian scene with the legend "Picking